

of Ireland, and therefore his trial shall be there &c. Dyers, Rep. P. 360 C.

[15] THESE great and worthy lawyers were not afraid it seems to maintain the weight of a legal *and fundamental reason*, (the trial by a jury of the vicinage) against the combined force of 4. *express acts of parliament*. And such a reason, tho' it had been advanced by a single Judge, or any private individual, is certainly of more weight than the opinion of all the Judges of Israel, when given *contrary to reason*, or against the tenor of *any fundamental law*. History tells us that these two Judges Empson and Dudley *were hanged, for their time serving, in daring to dispense with the interposition of juries*; tho' they acted by the express authority of an act of parliament.

It is not almost credible to foresee, says my Lord Coke, when any maxim or fundamental law of the realm is altered, what dangerous inconveniences do follow, which most expressly appeareth, by this most unjust and strange act of Hen. 7 for thereby, not only Empson and Dudley themselves, but such justices of the peace, (corrupt men) as they caused to be authorised, committed most grievous and heavy exactions, and oppressions, grinding the face of the poor subjects by penal laws, *by information only without any trial by jury* being the antient birth right of the subject, but to hear and determine, the same by their discretion, inflicting such penalty, as the statutes not repealed imposed. 4 inst. c. 1. p. 11, and he adds, we have shewn the just inconvenience of this statute, *to the end, the like should never hereafter be attempted in any court of parliament, and that others may avoid the fearfull end of these two time servers, Empson and Dudley, Ibid.*

Why should we in the compass of a pale,
Keep law, and form, and due proportion,
Shewing as in a model a firm state,
When our sea walled garden (the whole land)
Is full of weeds: her fairest flowers choaked up,
Her fruit trees all compruned, her hedges ruined,
Her knots disordered, and her wholesome herbs,
Swarming with new created caterpillars.